

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1984 of 2022

Dinesh Singh, aged about 70 years, Male, S/o Late Ramdhayan Singh
Resident of Village- Rameshwar Tola, Sitab Diyara, P.S.- Revelganj, District-
Saran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Government of Bihar, Patna.
2. The Commissioner, Saran Division, Chapra.
3. The District Magistrate, Saran at Chapra.
4. The Sub Divisional Officer, Sadar Chapra.
5. The Block Supply Officer, Revelganj, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv. Ms. Preety Kunwar, Adv.
For the Respondent/s	:	Mr. Upendra Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 02-03-2022

Heard Mr. N.K. Agarwal, learned senior counsel
appearing on behalf of the petitioner and Mr. Upendra Pratap
Singh for the State.

The license of the petitioner was cancelled by order
dated 27.01.2015 contained in Memo No. 118 without any reason
whatsoever.



The aforesaid order was put to challenge before the appellate authority who, vide order dated 23.06.2017, dismissed the appeal. Though some reasons have been provided in the appellate order but, Mr. Agarwal, learned senior counsel for the petitioner, submits that the appellate order cannot reconstitute the original order. If there were no reasons assigned in the original order of cancellation, there was practically no material before the appellate authority to have justified the order of cancellation of the license. The appellate order was thereafter challenged by way of revision vide Supply Revision Case No. 113 of 2017. Taking into account the contention of the petitioner that the statement of untagged consumer was taken into account for cancellation of the license of the petitioner and even that statement had not been provided to the petitioner, the matter was remanded to the appellate authority way back on 13.08.2018 for passing a fresh order in accordance with law. The matter remained pending with the appellate authority for practically four years. The license of the petitioner was granted under the preceding Control Order and, because of its cancellation, the petitioner could not even apply for conversion of the license under the new Control Order of 2016 after paying requisite fee. The entire process has been put on back-burner because of the lackadaisical approach of the authorities



under the Control Act. There could be no reason whatsoever for keeping a remanded matter before the appellate authority for four years.

Instead of directing the appellate authority to dispose of the appeal of the petitioner, we deem it appropriate to remit the matter to the Licensing Authority as the order of license had been passed without indicating any reason at all.

Needless to say that the order of cancellation of the license, the appellate order sustaining the same and the order passed by the revisional authority, remanding the matter to the appellate authority for a fresh decision, are all set aside.

The matter is remitted to the Licensing Authority. On presentation of a copy of this order within thirty days by the petitioner before him, who shall furnish fresh notice to the petitioner and shall make him available the documents which would be necessary for him for effectively reply to the charges leveled against him and, on receipt of his reply, a necessary/reasoned order shall be passed within the next sixty days. Any delay in the timeline provided in this order would be viewed adversely. The order, so passed by the Licensing Authority, shall be communicated to the petitioner forthwith.



With the aforementioned observations and directions,
this writ petition stands disposed of.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.03.2022
Transmission Date	

